

**Date: 01/27/2021 02:00 pm**

**In re: Eustace O. Uku**

**Bankruptcy No. 20-21650-CMB  
Chapter: 13  
Doc. # 74**

**Appearances via Zoom: Maurice Nernberg, Esq.; David Nernberg, Esq.; Brian Bleasdale, Esq.; Anthony Kovalchick, Esq.; James Warmbrodt, Esq.**

**Nature of Proceeding: #74 Motion To Dismiss Bad Faith Bankruptcy**

**Additional Pleadings: #80 Debtor's Response**

**Judge's Notes:**

- Debtor agrees to dismissal but issue is whether dismissal will be with or without prejudice. Debtor does not agree to a dismissal with prejudice.
- Re dismissal with prejudice, there have been allegations of serious items, including non-disclosure. However, dismissal with prejudice would require an evidentiary hearing.
- Concern is that as soon as return to state court, a bankruptcy case will be immediately filed again.
- Warmbrodt: Do not oppose dismissal. No position on with or without prejudice.
- Kovalchick: Do not oppose dismissal. No position on with or without prejudice.

**OUTCOME:**

- Case is dismissed without prejudice; Order entered.
- Debtor to be advised that, should the Debtor re-file for bankruptcy protection, depending upon the circumstances and particularly the timing of any subsequent filing, the Court will consider if it is appropriate to immediately issue a rule to show cause why the case should not be dismissed with prejudice in order to develop an evidentiary record.

FILED  
1/27/21 4:07 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Carlota Böhm  
Chief U.S. Bankruptcy Judge**